

RESOLUTION NO. 2016-101

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD PRESENTING TO VOTERS AN ADVISORY QUESTION AT THE GENERAL MUNICIPAL ELECTION PREVIOUSLY CALLED FOR NOVEMBER 8, 2016

THE CITY COUNCIL OF THE CITY OF BRENTWOOD DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. ADVISORY QUESTION TO BE VOTED ON AT GENERAL MUNICIPAL ELECTION

a. Ballot Language

The City Council, pursuant to its right and authority, does order the following advisory question submitted to the voters at the November 8, 2016, General Municipal Election called by Resolution No. 2016-64, adopted on May 24, 2016:

ADVISORY VOTE ONLY. If Measure ____ passes, should the revenues raised be used to restore and enhance fire, emergency medical response, and other public safety services in the City of Brentwood?	YES NO
--	---------------

b. Form of the Ballot Proposal

The exact form of the measure is as specified in Section 1(a) of this Resolution.

c. Approval or Disapproval of Ballot Proposal

A majority of qualified electors voting in the election will voice their opinion on the issue.

d. Publication of Question

The City Clerk is hereby directed to cause notice of the measure to be published in accordance with California Elections Code section 12111 in the form specified in Section 1(a) of this Resolution.

e. Letter Designation and Consolidation

The measure shall be designated by letter by the Contra Costa County Clerk-Recorder-Registrar and/or the City Clerk pursuant to California Elections Code section 13116. Pursuant to California Elections Code section 10400, et seq., the election for this question shall be consolidated with the Statewide General Election to be held on November 8, 2016.

f. Impartial Analysis

Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit to the City Attorney a copy of the measure specified in Section 1(a) of this Resolution. The City Attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall not exceed 500 words and shall contain a statement that the measure was placed on the ballot by the City Council. The City Attorney shall transmit the impartial analysis to the City Clerk and the Contra Costa County Clerk-Recorder-Registrar by a deadline established therefor by the Contra Costa County Clerk-Recorder-Registrar.

g. Arguments for the Measure

Pursuant to California Elections Code Section 9282, subdivision (b), the City Council hereby authorizes the following Council Members to prepare and file the primary written argument on behalf of the City Council in support of the measure:

1. Robert Taylor, Mayor
2. Joel Bryant, Vice Mayor
3. Steve Barr, Council Member
4. Gene Clare, Council Member
5. Erick Stonebarger, Council Member

h. Rebuttal Arguments

The City Council hereby adopts the provisions of California Elections Code section 9285, subdivision (a), relating to rebuttal arguments for the Measure only for the November 8, 2016 election and thereafter repeals this adoption.

SECTION 2. IMPLEMENTATION

The City Clerk is directed to file with the Contra Costa County Board of Supervisors a certified copy of this Resolution, with a copy to the County Clerk-Recorder-Registrar, pursuant to California Elections Code section 10403. The City Clerk is further authorized and directed to perform all other acts necessary or required by law to implement this Resolution and related to the election on the measure it proposes.

SECTION 3. CEQA

The adoption of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq. ("CEQA") and 14 Cal. Code Reg. §§ 15000 et seq. ("CEQA Guidelines"). Placing measures on the ballot is not a project within the meaning of CEQA Guidelines section 15378. The utility users tax submitted to the voters in association with this advisory measure is a general tax that can be used for any governmental purpose; it is not a commitment to any particular action or actions. As such, under CEQA Guidelines section

15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment.

SECTION 4. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Resolution or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or its application to other persons and circumstances. The City Council of the City of Brentwood hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION 5. EFFECTIVE DATE

This Resolution shall take effect immediately upon its adoption.

SECTION 6. CERTIFICATION

The City Clerk shall certify to the passage and adoption of this Resolution.

PASSED AND ADOPTED this 26th day of July, 2016.


ROBERT TAYLOR, Mayor

ATTEST:


MARGARET WIMBERLY, City Clerk

I **HEREBY CERTIFY** that the foregoing Resolution was adopted by the City Council of the City of Brentwood as a regular meeting thereof held on the 26th day of July, 2016, by the following vote, to wit:

AYES:	Council Members:
NOES:	Council Members:
ABSTAIN:	Council Members:
ABSENT:	Council Members:


MARGARET WIMBERLY, City Clerk